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**ON THE ROAD TO DEMOCRACY:
CIVIL-MILITARY RELATIONS IN EL SALVADOR**

by

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SALVADOR**

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Submitted in partial fulfillment of the
requirements for the degree of

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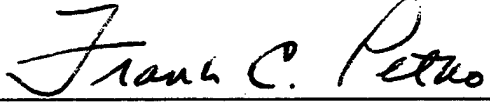
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The application of Alfred Stepan's eleven prerogatives is used to measure the level of civilian control over the military. The analysis suggests that three of the military prerogatives have been reduced substantially, that six prerogatives present a change from the high to moderate category, that one prerogative related to the relations with the chief executive remains in the moderate category, and finally, that the military prerogative on officer promotions remains in the high category. Based on this analysis, this thesis concludes that since 1992, elected civilian authorities have achieved considerable control over the military, and that thus civil-military relations in El Salvador are on the right track to help the country towards consolidating a democracy.

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EXECUTIVE SUMMARY

The purpose of this thesis is to determine to what extent the civilian-elected authorities have achieved control over the military in El Salvador. Much of the literature on democratization suggests that such control is a necessary condition for the full consolidation of democracy within a country. This thesis begins with the historical overview of civil-military relations in El Salvador, and focuses on current civil-military relations.

Since its independence in 1821, El Salvador was basically a republic controlled by an oligarchy, backed by the armed forces. The main source of revenue was the export of agricultural products such as coffee, sugar cane, and cotton. The only beneficiaries of this situation were a small group of wealthy landowners, who also monopolized every aspect of Salvadoran life.

After the 1932 revolution, the oligarchy made an alliance, or pact, with the armed forces, in which the military gained control over the government, and in exchange, the military agreed not to impede the enlargement of the oligarchy's capital. The origins of the 1932 revolutions are linked to the Great Depression in the United States as the Salvadoran economy also suffered a severe decline. That decline resulted in the oligarchy experiencing difficulties in keeping the country under control. Peasants had no land to work because of the expropriation of the community lands in the 1880's, and as daily salaries dropped from \$ 0.50 to a \$0.20, the economic situation became even worse. Social unrest ensued, and as a consequence, the first communist revolution in Latin America took place in El Salvador. The mass of peasants revolted against the

government. The revolution, however, was violently suppressed by the armed forces in what is remembered now as “*La Matanza del 32*.” When the revolution was brought under control, the oligarchy and the military formed a pact, preventing any change in the social conditions of the peasants.

This pact between the oligarchy and the military was in place until 1979. In that year, a group of young military officers broke the pact with the oligarchy by carrying out a *coup d'état* and tried to bring changes to the social and political life of El Salvador. But it was too late for social and political changes, and a civil war started.

In 1992, after thirteen years of war, a peace agreement was signed in Mexico between the Salvadoran Government and the Farabundo Marti National Liberation Front (FMLN). This agreement was a watershed event in achieving control over the military by the elected civilian government in El Salvador, placing the country on the road to a consolidated democracy.

Since 1992, the elected civilian authorities have increased their control of the military. When applied, Alfred Stepan's prerogatives in order to measure the level of civilian control achieved, nine out of the eleven prerogatives have been reduced since the peace agreements. Out of the nine prerogatives that displayed improvement, three of them moved from high category to low, taking a big step toward civilian control over the military. They are the constitutionally sanctioned independent role of the military in the political system, the active-duty military participation in the cabinet and, the key public or private enterprises that are now controlled by civilians. Six prerogatives showed a modest change from the high to the moderate category. They are the coordination of the defense sector, the role of legislature, the role of senior career servants or civilian

political appointees, the role of the intelligence apparatus, and, the role of the police, the role in the legal system. One prerogative remains in the moderate category, the relationship between the military and the chief executive. This is mostly due to the passive compliance on the part of the president in order to avoid a direct confrontation with the military and trying to keep the status quo with the military. Finally, one prerogative stayed in the high category. This prerogative is related to military promotions. Despite modifications in military law, the military retains a high prerogative in selecting which senior colonels are promoted to the rank of general, and when they are selected.

In conclusion, civil-military relations have improved in El Salvador, paving the road to consolidating democracy in this small Central American country.

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I. INTRODUCTION

Since its independence in 1821, El Salvador has basically been a republic controlled by an oligarchy, backed by the armed forces.¹ The main source of revenue was the export of agricultural products such as coffee, sugar cane and cotton. The only beneficiaries of this situation were a small group of wealthy landowners, who also monopolized every aspect of Salvadoran life.

After the 1932 revolution, the oligarchy made an alliance, or, pact with the armed forces, in which the military obtained control over the government and, in exchange, the military agreed not to impede the enlargement of the oligarchy's capital. The origins of the 1932 revolution are linked to the Great Depression in the United States as the Salvadoran economy also suffered a severe economic decline. That decline resulted in the oligarchy experiencing difficulties in keeping the country under control. Peasants had no land to work because of expropriation of the community lands in the 1880's,² and as daily salaries dropped from \$0.50 to a \$0.20, the economic situation became even worse. Social unrest ensued, and as a consequence, the first communist revolution in Latin America took place in El Salvador. The mass of peasants revolted against the government. The revolution, however, was violently suppressed by the armed forces in

¹ This situation of a pact between the oligarchy and the Salvadoran armed forces makes this case study very interesting. This case will demonstrate that the society was not militarized as is commonly believed, but rather controlled by a sector of the society which governed the entire country, socially, politically, economically militarily.

² The communal property, or *ejidos*, was expropriated by the government and transformed into coffee plantations in 1860.

what is remembered now as “*La Matanza del 32*.”³ When the revolution was brought under control, the oligarchy and the military formed a pact and prevented any change in the social conditions of the peasants.

This pact between the oligarchy and the military was in place until 1979. In that year, a group of young military officers broke the pact with the oligarchy by carrying out a *coup d'état* and trying to bring changes to the social and political life of El Salvador. However, it was too late for social and political changes, and a civil war started. After thirteen years of war, a peace agreement was signed between the Salvadoran Government and the Farabundo Marti National Liberation Front (FMLN) in the Chapultepec castle, Mexico. This Agreement was a watershed event in achieving control over the military by the elected civilian government in El Salvador and placed the country on the road to a consolidated democracy.

A. PROJECT SIGNIFICANCE

This thesis is significant for several reasons. First, it analyzes development of civil-military relations in El Salvador. Second, it assesses the uneasy willingness of the Salvadoran armed forces to subordinate themselves to the civilian authorities. Third, and most importantly, it examines the extent to which El Salvador after 1992, can be a role model for the Central American region as well as for other countries in a similar process of democratization.

This thesis examines civil-military relations in El Salvador to determine if there has been any improvement in those relations since 1992, when the government and the

³ *La Matanza del 32* is known in English as The Massacre.

FMLN signed the peace agreement. An additional objective will be to evaluate the effect of civil-military relations on the democratic consolidation of the country.

The study of civil-military relations posits many possibilities among them. First, the armed forces can directly control society, using force or the threat of force to accomplish their goals. Second, the armed forces can be under the control of a legitimate and elected government. Finally, and in the case least known by scholars, the armed forces are under the control of a specific non-governmental sector of the society. In this last case, the controlling sector imposes its ideas on the rest of the country's population as well as on the armed forces. This is the focus of this study: El Salvador's civil-military relations.

B. METHODOLOGY AND THEORY TO BE EMPLOYED

This is a single case study. The outcome, or dependent variable, is the level of democracy achieved by El Salvador. The causal, or independent variable, is civil-military relations. This study employs the "selected prerogatives of the military as an institution in a democratic regime," posited by Alfred Stepan in *Rethinking Military Politics: Brazil and the Southern Cone*. Those prerogatives are:

- Constitutionally sanctioned independent role of the military in the political system;
- Military relationship to the chief executive;
- Coordination of defense factor;
- Active-duty military participation in the Cabinet;
- Role of Legislature;
- Role of senior career civil servants or civilian political appointees;

- Role in intelligence;
- Role in police;
- Role in military promotions;
- Role in state enterprises;
- Role in the legal system;

The findings are divided into three categories of prerogatives, following Stepan's classification: low, moderate and high. A low prerogative is *de jure* and *de facto* effective control, exercised by civilians over the military. "In cases where the military has *de jure* been denied a prerogative, but the new democratic government, due to active or passive noncompliance by the military, does not effectively exercise this prerogative, military prerogatives would be classified as low."⁴ A high prerogative is defined as the military retaining and exercising a high degree of autonomy and control over the government.

This analysis of the findings, using the categories mentioned above, covers the most difficult times for Salvadoran society in recent history: twelve years of civil war during which approximately 70,000 lives were lost. The study addresses whether, and to what extent, the country's civil-military relations have bolstered democratic stability.

It is difficult to define democracy in a way that pleases everyone. However, understanding that democracy involves a process, Alfred Stepan offers the following:

Democratization requires the open contestation for the right to win control of the government, and in turn requires free elections. Democratization entails liberalization but is a wider and more specifically political concept.⁵

⁴ Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone*. (New Jersey: Princeton University Press, 1998), 97.

⁵ *Ibid.*, 7.

This thesis employs Stepan's definition. As it is implied in this definition, democracy means something more than elections; it is also about the oversight and control of state power. A good civil-military relation is considered established when the subordination and control of the military institutions by the freely elected representatives of the people in a democratic society is achieved. Therefore, this is an important aspect to be considered for any country in transition to a consolidated democracy.

Democracy is also a dynamic process, and the party system plays a very important role here. The institutionalization of a party system is therefore a key aspect of this process because in El Salvador the hegemonic party system did not allow for formal or *de facto* competition for power, and other parties existed but as second-class licensed parties. Also, the inchoate party system, which is a multi-party system with weak organization, could, as a hegemonic party system, lead the country in the wrong direction. However, the scope of this thesis is confined to civil-military relations because achieving civilian control over the armed forces makes it clear that military institutions are only the means to achieving political objectives, assuming also that the armed forces are not ruling or acting above the law.

A brief summary of the thesis follows. Chapter I includes the introduction, the project significance, which comprises three basic aspects: first, the development of civil-military relations in El Salvador; second, the questionable willingness of the Salvadoran armed forces to be subordinate themselves to the proper authorities; and third, the examination of to what extent the Salvadoran process after 1992 can be used as a role model in other countries. Chapter I concludes with the explanation of the methodology

and theory employed, which is the application of Alfred Stepan's prerogatives. Chapter II is a synopsis of the period between 1932 to 1989 describing the reasons that created the conditions for the Salvadoran civil war in the early 1930's. This chapter stresses that the Salvadoran government did not properly address the social problems; therefore, they merely remained submerged until they reemerged in the 1980's. In addition, the first analysis of Stepan's prerogatives is carried out to determine the category in which the Salvadoran military was located according to these prerogatives before the peace agreements. Chapter III is a brief summary of the peace talks between the government and the FMLN. Included are the four topics of the peace accords: the role of the armed forces, the creation and strengthening of democratic institutions, the economic and social matters, and the end of the FMLN military structure and legal entry of its members into civil, political and institutional life. Chapter IV is an analysis of the aftermath of the peace agreements until 1997, and the researcher applies Stepan's prerogatives to the situation after the peace agreements during the transition from civil war to peace in El Salvador. Chapter V is a series of conclusions and recommendations to facilitate the transition of El Salvador into a consolidated democracy.

II. HISTORY OF CIVIL-MILITARY RELATIONS IN EL SALVADOR FROM 1932-1992

The pseudo military control of Salvadoran society emerged in 1932, when the President of the country, Dr. Arturo Araujo, was overthrown by a military *coup d'état*⁶. From that point on, military regimes have controlled the country until 1979, when another *coup* sought to reestablish democracy in El Salvador. For the almost fifty years prior to 1979, El Salvador was virtually permanently subjected to political unrest, and military officers officially ruled the country. Table 1 represents this situation chronologically in detail.⁷

1932-1934	General Maximiliano Hernandez Martinez
1934-1935	General Andres Ignacio Menendez
1935-1944	General Maximiliano Hernandez Martinez
1945- 1945	General Osmin Aguirre y Salinas
1945-1948	General Salvador Castaneda Castro
1948-1950	Revolutionary Council of Government
1950-1956	Lt.Col Oscar Osorio
1956-1960	Colonel Jose Maria Lemus
1960-1961	Government Revolutionary Junta
1961-1962	Civil-Military Directorate
1962-1962	Dr. Rodolfo F. Cordon
1962- 1967	Colonel Julio A. Rivera
1967-1972	General Fidel Sanchez Hernandez
1972-1977	Colonel Arturo Armando Molina
1977-1979	General Carlos Humberto Romero

Table 1. Heads of State in El Salvador (1931-1979)

Source: Armstrong, and Shenk, Janet. El Salvador-Why a revolution?

⁶ As stated before, the real control of the country was in the hands of the oligarchy and not from the armed forces.

⁷ Robert Armstrong and Janet Shenk, "El Salvador-Why a Revolution?", *NACLA Report on the Americas*, Vol. XIV, no. 4 (July-August 1980): 46.

The above table shows that mainly military governments from 1932 to 1979 controlled the country. The beginning of these military governments from 1932 to 1944 was marked by individualistic and autocratic rule. Later, military rule developed into an official party and a hegemonic party system. This official party throughout the years changed its image, but kept the military in political control of the country.

From 1932 to 1944, General Maximiliano Hernandez Martinez ruled the country, including the puppet government of Andres I. Mendez. Martinez's government was an extension of the army, because he successfully imposed the order and discipline of the military on the country. The civilian population was pleased by this hard-core discipline, supervised by *patrullas cantonales*⁸ to which approximately one of every five adult males belonged. In 1944 however, after 13 years of dictatorship, the Salvadoran masses repudiated Hernandez Martinez's government and brought it to an end.⁹

General Hernandez Martinez's successor, Colonel Osmin Aguirre y Salinas, stayed in power until a new round of elections was held. Elections were carried out in 1945, and retired General Salvador Castaneda Castro from the official party won and subsequently ruled the country from 1945 to 1948.

In 1948, General Castaneda Castro was overthrown in a *coup d'état*. Because he wanted to continue Martinez's authoritarian political system, a number of army officers and civilians installed a *Junta* called the Revolutionary Council of Government (RCG), which "sought to legitimize its existence via new political rhetoric and new way of

⁸ The *patrullas cantonales* was an army reservist organization, which was established in all cities in the country. They helped the army control the rural areas due to the small number of active-duty army personnel. The total number of active armed forces in El Salvador at that time was around 3,000.

ruling.”¹⁰ The RCG issued a proclamation, which spelled out the nature of democracy under consideration: “for one, liberty could only flourish within an environment of order, free of extremist views and demagoguery.”¹¹

Salvadoran historian Mariano Castro Moran summed up the approach this way: “Thus while on the one hand the Armed Forces would become apolitical, on the other they will be responsible for guaranteeing that liberty and for ensuring respect for the law.”¹²

In 1952, in a new round of elections, the candidate for the Unified Democratic Revolutionary Party (PRUD), which was the official party, Lieutenant Colonel Oscar Osorio, won the elections. He and his allies in the oligarchy established total control of the country. They opposed any attempt to change the unequal system of land tenure, “which enabled [them] to monopolize the profit of the export trade and use these to control the financial sector as well.”¹³

Consequently, military rule was legitimized through the elections. The opposition was disorganized and posed no threat to them. Therefore, the official party in a relatively honest democratic process won elections.

Six years later in 1958, Col. Jose Maria Lemus, another candidate for the PRUD, replaced LTC Osorio as President. However, he made the same mistakes as his predecessor in his internal policies, and the domestic political situation did not improve.

⁹ A national strike which is known as “*la huelga de brazos caidos*” (Folded-arms strike), because no one worked in any public or private office and thus forced Martinez to leave the country on 2 March 1944.

¹⁰ Castro Moran, *La Proclama del 1948*. (San Salvador: El Salvador, 1962), 380-381.

¹¹ *Ibid.*, 380-381.

¹² This is an important statement, because starting here, the armed forces also assumed the internal security of the country.

¹³ Enrique A. Baylora, *El Salvador in Transition*, (North Carolina: The University of North Carolina Press, 1992), 132.

Six years later in 1958, Col. Jose Maria Lemus, another candidate for the PRUD, replaced LTC Osorio as President. However, he made the same mistakes as his predecessor in his internal policies, and the domestic political situation did not improve. Therefore, Colonel Lemus was overthrown by a *coup d'état* in 1960 and a civic-military *junta* (Directorio Cívico Militar) replaced him. During this period, the armed forces controlled major positions in the government and also played a political role in helping the official party (PRUD) carry out the political campaign to consolidate their position in the political arena.

Prior to 1960, the political parties did not represent the interests of particular groups in society or provide alternative programs for governing the country. From the early 1960's to early 1970's, the party system became more pluralistic as the period of industrialization associated with the "Alliance for Progress"¹⁴ and the Central American Common Market increased the influence of the middle and urban working classes. This was an example of what happened when liberalizers begin to open a system in a country: it becomes unstable.

The oligarchy and the military accepted a slight liberalizing of the political process. However, with increased urbanization and the expansion of the industry with the common market, labor organizations challenged the status quo. The challenge to the ruling oligarchy-military alliance was carried out through the 1972 elections. This was a

¹⁴ This program helped developing countries under U.S. President John F. Kennedy's administration. For more information about Alliance for Progress see, Jerome Levinson and Juan de Onis, *The Alliance that Lost its Way. A Critical Report on the Alliance for Progress*, (Chicago: Quadrangle Books, 1970).

Nationalist Union (UDN), the Salvadoran Popular Party (PPS) and the National Revolutionary Movement (MNR). Its presidential candidate was Jose Napoleon Duarte, who was the mayor of San Salvador at that time. The government party, the National Conciliation Party (PCN)¹⁵ selected as its candidate Colonel Arturo Armando Molina.

To the government's surprise, Duarte, representing the UNO party, won the election, but the government did not accept this defeat, and the official party, the PCN, declared itself the winner of the election and denied UNO's victory through fraud.¹⁶ Many military officers refused to associate themselves with this electoral fraud and attempted a *coup*. Two military units, the 1st Infantry Brigade and the Artillery Brigade rebelled against the government. Duarte led the *coup* and, using radio stations, called on the civilian population to rebel. However, the lack of coordination and trust between civilian and military forces resulted in the failure of the *coup*.

Duarte and a number of officers were captured by the Police,¹⁷ and later exiled to different South American countries. Thus the movement ended. Subsequently, the Salvadoran armed forces institutionalized themselves within the constitutional framework and used it to manipulate the democratic process. Therefore, according to Alain Rouquie, the military could be at the same time "Elected, constitutional and undemocratic."¹⁸

¹⁴ This program helped developing countries under U.S. President John F. Kennedy's administration. For more information about Alliance for Progress see, Jerome Levinson and Juan de Onis, *The Alliance that Lost its Way. A Critical Report on the Alliance for Progress*, (Chicago: Quadrangle Books, 1970).

¹⁵ In 1962 the National Conciliation Party (PCN) was organized as a direct offspring of the Unified Democratic Revolutionary Party (PRUD) and became the new official Party.

¹⁶ For more information about the 1972 elections see Baloyra, *El Salvador in Transition*, 43-49.

¹⁷ The police were under the control of the armed forces through the Ministry of Defense and Public Security.

¹⁸ Alain Rouquie, *Demilitarization and the Institutionalization of Military Dominated Politics of Central America*, (New York: Pergamon Press, 1986).

Salvadoran armed forces institutionalized themselves within the constitutional framework and used it to manipulate the democratic process. Therefore, according to Alain Rouquie, the military could be at the same time “Elected, constitutional and undemocratic.”¹⁸

The governments of General Fidel Sanchez (1967-1972) and Colonel Arturo Armando Molina (1972-1977) faced many problems besides the popular discontent caused by fraudulent elections. These included displacement of people from their land by the expansion of the international agricultural export market, as well as residual factors resulting from the war between Honduras and El Salvador in 1969.¹⁹

In the political field, the ruling official party (PCN) dispensed favors in order to guarantee the fidelity of its members. However, the main problem was that the people had no way to express their needs, and their discontent grew. After the fraudulent elections of 1972, communist organizations realized that achieving power through popular elections in the manner of Chile’s Salvador Allende was impossible in El Salvador. The main leader of the Salvadoran Communist Party (PCS) was Shaffic Handal. He had been, in fact, the General Secretary of the PCS since 1970. Also, despite its long-held official line on pursuing power through nonviolent means, the PCS consistently followed a dual-track approach to power, using a strategy of employing both legal and quasi-legal activities including infiltration of unions, use of legal fronts, and participation by those fronts in elections.²⁰

¹⁸ Alain Rouquie, *Demilitarization and the Institutionalization of Military Dominated Politics of Central America*, (New York: Pergamon Press, 1986).

¹⁹ The war brought thousands of Salvadorans back from Honduras. A large number of these became refugees in their own land.

²⁰ The Communist party was banned at that time in El Salvador.

Because of this dual-track approach, the communist party split into many smaller organizations. Some were more violent than others. All of them developed at about the same time. Five different political groups organized to initiate insurgency in the political and military fields, with each political organization having a military organization supporting their ideas. These included the following:

Political Organizations

- The Salvadoran Communist Party (PCS).
- Farabundo Marti Popular Liberation Forces (FPL).
- People's Revolutionary Army (ERP or PRS).
- Armed Forces of National Resistance (FARN or RN).
- Revolutionary Party of Central American Workers (PRTC).²¹

At the same time, military insurgency organizations were created in order to pursue the dual track in the political and the military arenas. These military organizations include:

Military Insurgency Organizations

- Armed Forces of Liberation (FAL) from the PCS.
- Popular Army of Liberation (ELP) and Popular Liberation Armed Forces (FAPL) from the FPL.
- Salvadoran Revolution Party or People's Revolutionary Army (ERP) from ERP.
- Armed Forces of National Resistance or National Resistance (RN) from the FARN-RN.
- Armed Commando of Liberation (CAL) from the PRTC.

²¹ Giralt-Barraza, Salvador, A. "El Salvador: History of an Insurgency." Low Intensity Conflict & Law Enforcement, Vol. 3, Autumn 1994, Number 2, p. 271, Frank Cass-London.

The above list will help the reader follow the communist divisions experienced in the early 1970's and the organizations that were created. The failure to bring about changes in the political system through elections and other legal means convinced many would-be democrats that reforms could only be achieved by non-democratic methods; thus the guerrilla organizations began to emerge.

The military's control of the rural areas, so carefully managed since the insurrection of 1932, began to break down. The reasons for these changes were varied. First, the Catholic Church played an important role by making peasants aware of their impoverished life and unjust conditions.²² The most important and charismatic leader of the Catholic Church was Archbishop Oscar Arnulfo Romero.²³ Second, the Marxist-Leninist doctrine had influenced the successful insurgencies in Cuba and Nicaragua. Third, the repressive regime supported the oligarchy to maintain the status quo.

After the failure of the Central American Common Market during the late 1960's,²⁴ people who lived and worked in the rural areas were subjected to increased hardship as land and opportunities for work became scarce. Therefore, the peasants and workers were willing to take any action necessary to overcome this critical situation.

Under the presidency of Colonel Molina, the military tried to detach itself from politics. This action was intended to "regain control and protect its own from leftist

²² By 1960, 1.9% of the Salvadoran population owned 57.5% of the land. Comité Interamericano de Desarrollo Agrícola (CIDA) of the Organization of American States, 1960.

²³ Archbishop Romero was killed during a mass in 1980 and his death remains unsolved, despite heavy accusations against a retired major named Robert d'Abuissou.

²⁴ After the war between El Salvador and Honduras in July 1969, the Central American Common Market was dissolved.

subversion and rightist attempts to control the government.”²⁵ However, the armed forces had problems doing so, and Colonel Molina’s slogan of “*Definition, Decision and Firmness*” was meaningless in a country that was torn apart socially and politically.

The elections for congressional seats and mayorships in 1974, 1976, and 1977 were again fraudulent. Stuffed ballot boxes were transported in military vehicles and there was widespread intimidation of voters by the National Democratic Organization²⁶ (ORDEN), a paramilitary association.

Colonel Molina’s government carried out a tentative agrarian reform program in 1975, but just one year later the government delayed and later stopped the program, in spite of the commitment of many Salvadorans. This action was perceived by the oligarchy as a violation of the 1948 tacit pact with the military, in which the military institution gave itself the right to rule the country and agreed not to interfere with the economic plan of the oligarchy. The intent to carry out the agrarian reform directly jeopardized the source from which the oligarchy was expanding their capital base. As a result, the military was, repudiated by the civilians, and seen as traitors by the oligarchy.

The problems mentioned above increased the pressure on the military government. These problems added to those of the “stolen” elections, the bad distribution of the land and wealth,²⁷ and repression and violence against the civilian

²⁵ Baloyra, *El Salvador in Transition*, 253

²⁶ Col. Julio A. Rivera created ORDEN in 1964, and its mission was to curb the influence of communist ideology.

²⁷ The military was in charge of the government and therefore responsible for correcting this situation.

population, among others. Consequently, an armed confrontation began for which the military was poorly prepared.

According to Haggerty in the book, *El Salvador: A Country Study*, “the Salvadoran defense budgets traditionally were relatively modest, and the percentage of the national income devoted to the armed forces generally conservative.”²⁸ During the 1960’s and the 1970’s, the United States was primarily responsible for foreign training assistance. The total aid program from 1957 to 1979 was \$17 million. During this period, the Military Assistance Program (MAP) of \$7.4 million was far less than that received by any other Central American country, except Costa Rica.²⁹ Also, statistical data from the government budget indicate that, “military spending as percentage of the total budget declined in the same period.”³⁰ Not even in the war against Honduras in 1969 did the country change the military budget significantly. The figures for training and recruitment of new regular army soldiers were lower than in the 1950’s: 2,247 new troops from July 1976 to June 1977, according to records of Salvadoran Ministry of Defense and Public Security.

Confirming this pitiful military situation is the May 1981 report of the Military Strategy Assistance Team in El Salvador, commonly known as the Woerner Report concluded, that the El Salvador armed forces required dramatic changes within their

²⁸ Haggerty, Richard A. *El Salvador: A Country Study*. Washington, DC., Federal Research Division, Library of Congress, p. 209.

²⁹ Ibid. p. 223.

³⁰ Dirección General de Estadística y Censos. San Salvador 1970-1980. Tablas de Dirección General de Estadística y Censos.

structure and more effective use of counter-insurgency operations if they wanted the country to survive.³¹

The Church, applying the Liberation Theology, emerged as an active player and helped the peasants organize in order to improve their conditions, which resulted in widespread unrest in the rural areas. In the urban areas, the National Association of Private Enterprise (ANEP)³² and the Agrarian Front of the Eastern Region (FARO)³³ asked the military, not the government, to deal with the growing pressure from popular sectors. This pressure included labor demands, as well as calling for a halt to the repression.

According to Guido Vejar the military answer was:

The law for the Defense and Guarantee of Public Order passed on November 24 1977 by President, General Romero. This law tried to fulfill a series of bids by the private sector for a firmer hand against the opposition.³⁴

However, the law was relatively ineffective in dealing with the labor turmoil. From November 1977 to February 1979, matters worsened and General Romero dropped all pretenses of an agrarian reform, which increased the violence and discontent of the population. The military renewed their alliance with their old friend, the oligarchy, in

³¹ Manwaring, G. Max and Prisk, Court. *El Salvador at War: An Oral History*. Washington D.C. National Defense University Press, 1988, p. 49.

³² The oligarchy and bourgeoisie led the National Association of Enterprise. They pushed for a social market economy. It was politically heterogeneous, but mainly right-centered.

³³ Traditional oligarchic landowners and cattlemen led the Agrarian Front of the Eastern Region. They looked for authoritarian political control as opposed to democratic capitalism.

³⁴ Vejas Rafael Guidos, *La Crisis Política en El Salvador, 1976-1979*. ECA 34., 369/370.

order to face the emerging insurgency. In order to control the insurgency, the armed forces employed the only method they knew: repressing social movements.³⁵

The church, in response to this increase of violence, firmly demanded that the government stop the killings and disappearances. This gave the government its final blow, and removed any claim of legitimacy. Table 2 shows the guerrilla groups in El Salvador. In direct correlation, the more the insurgents became organized, the more the violence increased. Popular organizations, because of this polarization, were favored with an increased number of members. Therefore, their strength at that time was the vast number of people they represented. Because of this threat to the government, these popular organizations were considered satellites of the guerrilla movement.³⁶

As seen in Table 3, the number of killings and kidnappings increased on both sides. On the one hand, the government under General Romero increased the number of political assassinations and disappearances dramatically. On the other hand, in the same period, the guerrilla organizations doubled the number of killings of security personnel and paramilitary personnel, and kidnappings of prominent personalities in the economic, political, and social arenas.

³⁵ Analyzing the country's situation from 1932-1970, and using Skocpol's template of social revolution, I believe it did apply in El Salvador. Skocpol argues "Social revolutions result from state political crisis, often exacerbated by international factors, that may be taken advantage of by revolutionary vanguards." However, a different approach can be made when we analyze that in El Salvador the authoritarian regime, which despite being isolated from the majority of the population, unlike Cuba and Nicaragua, the military-oligarchy alliance maintained its cohesion, and the revolutionary opposition was not able to consolidate a broader movement.

³⁶ The PCS and the PRTC at this time were not ready to enter into a military confrontation, but they would join later.

	FPL	FARN	ERP
Origins	Splinters of PCS 1970	Division of ERP 1975	Proponent of the foco theory
Leadership	Workers, peasants, teachers	Workers, students, teachers	Workers, students, teachers
Tactic	Killing mainly oligarchy.	Kidnappings of prominent politicians and businessmen	Military actions
Strategy	<i>Guerra Popular</i> Propaganda	Popular Insurrection	Guerrilla Warfare
Ideology	Marxist-Leninist	Marxist-Leninist	Marxist-Leninist
Alliances	PCS	National Resistance, FAPU	PRS, LP-28
Program	Revolutionary Government	Socialist Society	Popular Democratic Government
Comparative Features	Largest, most orthodox	Most visible	Best trained and efficient as a force

Table 2. Guerrilla Groups in El Salvador³⁷

Source: Italo Lopez Vallecillo, *Fuerzas Sociales y el Cambio en el Salvador*.

Categories	Gen. Molina (1972-77)	Gen. Romero (1977-79)
<i><u>By the Government</u></i>		
Political Assassination	37	461
Prosecuted for political offenses	113	88
Disappeared	69	131
Other terrorist acts	9	4
<i><u>Initiated by the guerrillas</u></i>		
Attacks	31	60
Killing security personnel	24	24
Killing paramilitary personnel	8	16
Wounded in guerrilla Attacks	11	14
Kidnappings	8	16

Table 3. Political Violence in El Salvador³⁸

³⁷ Italo Vallecillo Lopez, , *Fuerzas Sociales y el Cambio Social en El Salvador*. CA 34, Oct-Nov, 1979, 574-75.

³⁸ Italo Vallecillo Lopez, *Rasgos Sociales y Tendencias Politicas en El Salvador*, ECA 34, Jul-Ago, 1979, 871.

Regarding this increase of violence, Baloyra stated:

The political mobilization was not the result of a communist conspiracy nor was it a direct result of the difficult social circumstances of the popular classes. It is true that 90% of the work force of 1.75 million Salvadorans were paid when employed salaries below minimal wage and that they faced harsh economic conditions.³⁹

At this moment in the Salvadoran history, therefore, the communist movement was not consolidated. With the political and social situation almost out of control, a bloodless *coup* took place on October 15, 1979. The new *junta* tried to implement political and social changes in the country, but made a fatal mistake in excluding the popular organizations. This hindered the process of democratization, which of course has been attempted earlier.

In 1979, no coalition without the participation of the popular organizations would be capable of regaining political balance. Also, the oligarchy's economic and political power and the military's role as an institution had to be redefined. However, a redefinition of the political role of the Salvadoran armed forces in 1979 was impossible due to the civil war, which had already started, and the military perceived themselves as the only organization that could save the country.

The armed forces, therefore, were again playing in the political arena. A new generation of officers, believing that they were established to serve the entire civilian population and not just a small part of it, decided to take control of the government. A bloodless institutional *coup d'état* was carried out to remove General Romero from office. The proclamation issued on 15 October 1979 projected a new line of military

³⁹ Baloyra, *El Salvador in Transition*.

thinking which invoked human rights, political pluralism, and electoral reform. Also, the paramilitary organization ORDEN was to be abolished.

The military relied on civilian partners to help organize the new junta to take control of the government, but this effort did not last long. The first junta was composed of two military men, Col. Abdul Gutierrez and LTC. Adolfo Majano, and three civilians. Two of the civilians, Ramon Mayorga Quiroz and Guillermo Manuel Ungo, represented the political parties of the opposition, including the Communist Party and one independent civilian, Mario Andino, represented the emerging Private Enterprise. This junta did not last long either. "The representatives of the Communist party realizing that they were the minority and would not be able to control the junta, quit in December 1979."⁴⁰

In an effort to ease the chaotic situation in the country and to solve the political impasse, the Christian Democratic Party ⁴¹ (PDC) entered into an alliance with the armed forces and organized another civil-military junta in January 1980. The reformist credentials of this party, and its history of opposition to military dictatorship lent it internal and external credibility and support to El Salvador process of change.

The Armed Forces agreed to the PDC demands in order to participate in the new junta and to carry out the reforms promised. These reforms included: agrarian reform (which had been promised by Colonel Molina's government) the exclusion from

⁴⁰ Salvador A. Giralt-Barraza, "*El Salvador: History of an Insurgency*". *Low Intensity Conflict & Law Enforcement*, Vol. 3, Autumn 1994, no 2, Frank-Cass, London, 278.

⁴¹ The PDC was the same political party that won the election in 1972 and its leader was José Napoleon Duarte. He became the first civilian president of El Salvador through an open electoral process supervised by the International Community in 1984.

participation by the private sector in the Cabinet, and the support of amendments to the constitution. After the junta was organized with the participation of the Christian Democrats, the political situation became more stable, allowing economic and military aid to arrive, and helping the country regain the offensive in the political arena.

In 1982, a new round of elections was carried out to select the members of congress who were going to be the Constituent Assembly. This was the first free election in this new democratic era in El Salvador, and it was supervised by the international community and certified as a clear and transparent one. These newly elected congress members passed a series of amendments to the Salvadoran constitution and transferred power to a provisional government led by Alvaro Magana, who became an interim president from 1982-1984, until presidential elections were held.

The military returned some key public institutions to civilian control such the Water Works (ANDA) and the State Industrial Development Corporation (INSAFI). In addition, civilians occupied the bulk of Cabinet positions, including the Ministry of Interior. However, the military retained prerogatives, which included maintaining control over security and intelligence agencies. The military court system maintained jurisdiction over large areas of civil society and the domain where military personnel could be tried in civil court remained narrow. Executive control over promotions was slight, and the military played the leading role in conducting the war, also with little legislative oversight. Besides, the military occupied many Cabinet positions and was still in charge of key public enterprises.

Table 4 shows the application of Alfred Stepan's prerogatives right after the 1982 elections, which gave a new political direction to El Salvador.

All of the eleven prerogatives outlined in Table 4 were kept under the 1983 Constitution. This new Constitution, in line with the previous one, accorded the armed forces the primary responsibility for ensuring national defense and internal law and order, guaranteeing compliance with the Constitution and other laws, and defending the democratic system of government. This was just the starting point on a long road to democracy. In the military arena, the country spiraled into violence from 1981 to 1989. The Salvadoran civil war was a continuation of the Cold War, but this time the fight was too close to the Panama canal; a zone of special interest to the United States. Also, the Reagan Administration in the United States feared "the domino effect" in the region.⁴²

The United State's policy toward the region in the early 1970's was to keep communism from winning in Central America. When the Sandinistas assumed control over Nicaragua in 1979, and declared themselves followers of Marxist doctrine. They took the United States by surprise.

⁴² The Domino effect as it is applied to El Salvador was the perception that if it fell into communist hands it was a matter of time before the other Central American countries and Mexico would follow.

<i>Prerogative</i>	<i>Low</i>	<i>Moderate</i>	<i>High</i>
1. Constitutionally sanctioned independent role of the military in the political system			1. Constitution allocated primary responsibility for internal law and Order and guarantee of the democratic process
2. Military relationship to the Chief Executive		2. The President was the Commander in Chief of the ESAF. But exercised very seldom its authority	
3. Coordination of Defense Sector			3. The Minister of Defense was an active duty senior military officer. Staff composed of military personnel
4. Active duty military participation in the cabinet			4. Active duty military personnel participated in the government cabinet
5. Role of Legislature			5. Did not provide oversight to the military budget
6. Role of Senior Career Servants or Civilian political appointees			6. Active duty military personnel fill all top defense sector staff roles. Lack of civilians with Defense and Security education/training
7. Role of the Intelligence			7. All intelligence organizations were controlled by military personnel
8. Role of the Police			8. They were under the control of the Armed Forces
9. Role of Military Promotions			9. The tanda system was completely independent of any interference outside of the military
10. Role in State enterprises			10. Major state enterprises were controlled by active military personnel
11. Role in the Legal System			11. Military personnel did not respond to the judicial system, but to military courts

Table 4. Selected Prerogatives of the Salvadoran Military as an Institution in a Democratic Regime Previous to the Peace Agreement in 1992

Source: Based on Alfred Stepan. Rethinking of Military Politics. Brazil and the Southern Cone.

When the Sandinistas began to support the FMLN in the 1980's, this move was indeed something that everyone expected. The Sandinistas backed the insurgency in many ways, such as providing them with training facilities, rest and recuperation areas inside Nicaragua, logistic warehouses, and weapons and ammunition. Additionally, some expert personnel also helped them to train and organize their forces. These actions were taken internationally as promoting regional instability, but this bold move helped the Sandinistas gain time to consolidate their revolution in Nicaragua.

Going back to El Salvador, and with the civil war as a background, the process of bringing the Salvadoran armed forces under civilian control was difficult, if not impossible, for two main reasons. First, the civilians were afraid to take leadership and full control of the armed forces, because the civilians would immediately become military targets of the guerrillas. Second, the military institution was not going to give up its prerogatives so easily. Therefore, until the end of the civil war, civilian control over the military was not achieved.

In order to explain why the signing of the peace agreement was a watershed for attaining civilian control over the military, it is necessary to know why and how the war ended. On June 1, 1989, Alfredo Cristiani received the presidential sash from Jose Napoleon Duarte. In his inaugural speech he pledged a government "based on the principles of liberty, honesty, legality and security."⁴³ He promised to get the economy moving and unveiled a five-point plan for immediate talks with the FMLN. The rebels accepted the proposition and they issued a proposal to "initiate as soon as possible a

⁴³ Gruson Linsey, "The New Latin Leaders Urge Peace Talks", *New York Times*, 15 September 1989, 7.

definite process of negotiation to put an end to the war and place all their forces at the service of constructing a true economy”⁴⁴

Why did both contenders accept the Cristiani initiative? On one hand, the new Cristiani government and its more moderate business friends recognized the impossibility of economic recovery without the resolution of the war. The President also knew that in the spring of 1991 there would be a Legislative Assembly and mayoral elections. The majority of voters that ARENA enjoyed would vanish quickly if economic conditions did not improve and if there were no foreseeable end to the war.

On the other hand, the FMLN knew the world was changing and a guerrilla victory would isolate the FMLN. The FMLN knew that the Sandinistas had lost the elections in Nicaragua in 1990, and the promises of many European and Latin American nations to help in the reconstruction of the country after an agreement were appealing.

Another important factor that the Salvadoran government took into consideration was that the United States was no longer driven by an activist foreign policy.⁴⁵ Moreover, with the changes in Eastern Europe in 1988-1989, the Soviet Union was not going to support the FMLN anymore. The Soviet Union was the loser of the Cold War.⁴⁶ In the meantime, the civil war was still going on in El Salvador. The armed forces, which

⁴⁴ Communiqué from the FMLN to the General Command, September 7, 1989.

⁴⁵ In the United States, Republican control over the Executive branch ended in January 1993. The Democrats were looking for an improvement in the US domestic policy, rather than focus on the external policies as the previous Bush administration had done.

⁴⁶ With the end of the Cold War, approximately 15 countries were looking for independence from the former Soviet Union.

included all the police organizations, were taken by surprise, when in the middle of the negotiations, the FMLN launched a large-scale military offensive.⁴⁷

The Department of National Intelligence (DNI), which was the strategic intelligence agency, knew that the offensive was coming,⁴⁸ and they tried to alert the Military High Command and the Executive branch, but no one listened. The president and his advisors assumed that the FMLN was in a weak position due to internal problems. This assessment underestimated their force. Besides, the Peace talks were a sign of the intention of the government and the guerrillas to seek peace. Negotiations were moving at a snail's pace, but everyone hoped that they would endure and continue.

On November 11, 1989, the FMLN launched its final offensive. This time the objective was the capital, San Salvador. They quickly took control of heavily populated areas in the suburbs of the capital. In order to prepare for this bold action the FMLN had been stockpiling weapons for almost a year in the capital, even after the negotiations for the peace agreement started. According to a US official, "a torrent of arms and ammunitions"⁴⁹ were flowing to the capital. Also, small reconnaissance units of the FMLN entered the capital as normal citizens to become familiar with the future area of operation. The plan was perfect. While the FMLN was sitting at the negotiation table, they were preparing the offensive, following the Mao postulate, "fight, fight, fight, talk, talk, talk."

Why did the FMLN not succeed in their attack? The government or the armed forces were not ready to counter this action, but the FMLN miscalculated the support of

⁴⁷ The police forces were controlled, supported, and supervised by active duty military personnel.

⁴⁸ The National Defense Intelligence was under direct control of the Chief of Staff of the armed forces.

Why did the FMLN not succeed in their attack? The government or the armed forces were not ready to counter this action, but the FMLN miscalculated the support of the civilian population. The FMLN was counting on massive support of the civilian population. The weapons and ammunition they brought to the capital were to be given to those who would join their ranks in the lower-class neighborhoods. The FMLN was trying to inspire a popular uprising in the same way that the Nicaraguans supported the Sandinista offensive in 1979 to overthrow the Somoza regime. The general support never came, but the Salvadoran population was not backing the government either. They were saying, it is enough, we are tired of war.⁵⁰

After five days of siege, the civilians started evacuating the guerrilla-controlled areas. They knew the army was going to initiate a counterattack soon. Also, it was a common perception among civilians that they were being used as human shields to delay the army counterattack. Subsequently, they began to escape from the areas which were under guerrilla control.

With the majority of the civilians out of the areas controlled by the guerrillas, the army began the counterattack, using limited firepower in order to avoid unnecessary damage to civilian property.⁵¹ The guerrilla units, without the support of the civilian population, had to retreat to the mountains.

⁵⁰ The FMLN received some support from its followers, but not as much as they thought they were going to have in order to create a popular uprising.

⁵¹ There was a claim made by the guerrillas that indiscriminate aerial bombardment was carried out in San Salvador to repel the guerrillas. However, no proof was ever shown that massive destruction was carried out by military airplanes or heavy artillery. If that had been the case, the destruction caused by explosions and the high number of casualties in that kind of attack would be difficult to hide from the international press.

The FMLN began to retreat after realizing they were not supported by the civilian population. However, the armed forces at this moment did not fully realize the importance of the civilian rejection of the FMLN. In the middle of the FMLN offensive, a commando unit of the Atlacat Infantry Reaction Battalion killed six Jesuit priests, a maid and her daughter at the Central America Catholic University Campus. This action, which some speculate was an order given by the High Command, while others support the premise that it was an isolated decision taken by one person. Regardless, of how the attack was ordered, it gave the FMLN the oxygen they needed to survive. They returned to the negotiation table viewed not as the loser of the offensive, but as the redeemer of a country ruled by murderous armed forces. National and international pressure pushed the armed forces and the government to continue negotiations for a peace agreement under conditions more favorable to the FMLN.

The summary of this chapter with respect to the civil-military relations is that few changes were achieved by the civilian government to control the military. The military retained the majority of the prerogatives in the high category and they were playing not just a military role during the civil war, but a very important political role as well.

III. EFFORTS TO STRENGTHEN THE CIVIL MILITARY RELATIONS SINCE THE PEACE AGREEMENTS

The chapter is a brief summary of the Peace talks between the government and the FMLN. On September 7, 1989, a month before the FMLN launched their final offensive, President Cristiani swore in the members of the government's Dialogue Commission, including Doctor Oscar Alfredo Santamaria, retired Colonel Juan Antonio Martinez, Doctor David Escobar Salindo, Doctor José Abelardo Torres and Doctor Rafael Hernan Contreras. Later, General Mauricio Ernesto Vargas, vice-chief of staff of the armed forces, was added to the commission.

After establishing the dialogue commission, the government sought contact with the FMLN to start the first round of negotiations. The first meeting took place in Mexico City in September 1989. The final document produced was called the "Mexico Agreements", which defined and established the conceptual framework and procedure of the negotiations.

The purpose of this document was "...to finish the armed conflict by political means as soon as possible, in doing so impel the democratization of the country and unify the Salvadoran society." The agreement was signed by both parties, the government and the FMLN, and witnessed by Bishops Romero Tomas Astorga and Gregorio Rosa Chavez, both representing the Salvadoran Catholic Church.⁵²

⁵² The Catholic Church is the largest church in the country with approximately 85% of the total population. They were active, moreover, during the whole conflict supporting the Salvadoran population demands for negotiations.

The second meeting of the government delegation and the FMLN took place in San José, Costa Rica, October 16-18, 1989, again with representation of the Catholic Church, as well as the United Nations and the Organization of the American States (OAS). The United Nations was participating as observers for the first time. The final document signed by both groups and witnessed before the labor unions was called the San José Agreement, which established the following:

The need to carry out agreements about the conditions that allow first, to stop the military fighting that could harm the rights of civilian people and lead to the end of hostilities within an agreed span of time.⁵³

At the San José meeting, the government presented a document called "Proposition of the government to achieve peace, consolidate democracy, and unify Salvadoran society." This document was based on the Esquipulas II Agreement and especially on the agreement reached in Tela, Honduras,⁵⁴ which declared that there were reasons for peace talks. These documents proposed the end of hostilities, the commitment of the government to protect the lives and physical integrity of FMLN members, as well as the incorporation of these members into the peaceful and democratic life of the country. The document also offered to facilitate the transformation of the FMLN into a political party, just the same as the other parties in El Salvador.

At the San José gathering, the time and place for a subsequent meeting was agreed upon. The conference was to be on November 20 and 21, 1989, in the City of Caracas. In spite of the offensive launched on the 11th of the same month, the government

⁵³ Original from the San José Agreement. Translation by the author. This meeting was also held before the FMLN launched the final offensive in San Salvador.

⁵⁴ In 1987, the Esquipulas II and Tela were presidential reunions of the Central America countries.

delegation attended the meeting in Caracas in an effort to reach the end of the conflict through negotiation. However, the FMLN representatives did not attend.

The government of El Salvador adopted the spirit of pacification of the Central American Presidents⁵⁵ and especially the San Isidro Coronado declaration in Costa Rica. The government requested that the United Nations General Secretary act as a mediator to facilitate the negotiations and the FMLN accepted UN involvement.

On April 4, 1990, General Secretary of the UN, Dr. Javier Perez de Cuellar, signed the Geneva Declaration, in which he agreed to put his good office in the framework of the mandate of the Security Board Resolution 637 signed on July 27, 1989. This resolution allows the UN to intervene in an internal problem of a country. Doctor Perez de Cuellar also stated that there was serious reason for both sides to look for a solution for the country by means of negotiations. The purpose of the process, according to the Geneva declaration, was the suspension of the armed conflict through official channels as soon as possible, to impel the democratization of the country, to guarantee the respect of human rights, and to unify the Salvadorian Society.

The UN Secretary General named Doctor Alvarado de Soto his personal representative in the peace negotiations. Both sides agreed to hold their first meeting with him in Caracas, Venezuela, from the 16th through 21st of May 1990. As a result of that meeting, the "Caracas Agreement" was signed on May 21st and contained the general

⁵⁵ The meetings of the Central American Presidents trying to bring peace have never stopped, despite the United States pressure for the military solution to the conflict. For more information on the US position toward a military solution for the Salvadoran conflict see Heraldo Munoz and Joseph S Tulchin, *Latin America Nations in World Politics*. (Boulder Colorado: Westview, 1996).

agenda and schedule for a new process of negotiations. Also, in that document the objectives of the “Geneva Declaration” were reaffirmed. For almost a year, from May 1990 to April 1991, a series of negotiations followed without reaching any important treaties. In April 1991, the government of El Salvador agreed to negotiate the Agenda of Three Points proposed by the FMLN in an “endless meeting”.⁵⁶ The three points to be discussed were: the amendments to the Constitution, the armed forces, and the cease-fire. Under these premises, the meeting began in Mexico City on April 4, 1991 and finished on the 27th of the same month, with the “Mexico Agreements,” which contained several fundamental reforms to the constitution of the country. These reforms were related to human rights, the electoral system, judicial system and armed forces. In addition, a Truth Commission was to be established.⁵⁷

The commission presented the constitutional amendments agreed to in Mexico to the National Assembly before April 30 of the same year. In this way the government fulfilled its commitment to promote the amendments before this political body. The National Assembly approved them, adding other complementary dispositions to harmonize with the rest of the Constitution. The newly elected National Assembly took up its duties on May 1, 1991, and on September 11, 1991, ratified the amendments concerning the electoral system. On October 31, they ratified amendments regarding the judicial system. The ratification of the amendments concerning the armed forces were still pending until 1992.

⁵⁶ Both parties agreed to stay in the process of negotiation and not retire until an agreement was reached.

⁵⁷ The Truth Commission was established to investigate the most notorious Human Rights Violations that occurred in El Salvador during the civil war.

On July 27, 1991, the Security Council of the United Nations approved a United Nations Mission of Observers be set up in El Salvador (ONUSAL). This authorization of observers fulfilled the resolution adopted on May 20. The main purpose of this organization was the monitoring and observation of the human rights in the country.

On September 25, 1991, the New York Agreement between the representatives of the government and the FMLN was signed. This document contained important decisions, among them, the creation of the National Commission for the Consolidation of Peace, which was a permanent committee for peace in El Salvador (COPAZ). This commission supervised the fulfillment of all political agreements by both sides and gave the final push to the process.

On December 31, 1991, the Government of El Salvador and FMLN signed the New York Act, in which both sides agreed that the final peace negotiations were to be held on January 16, 1992, in Mexico City, D.F. and that a cease-fire would start on February 1, 1992. On January 16, 1992 at Chapultepec in Mexico, the peace agreements were finally signed, in which the final accords brought the armed conflict in El Salvador to an end.

In short, the peace agreements were approached through four main topics: 1) the role of the armed forces; 2) the creation and strengthening of democratic institutions; 3) the economic and social matters; and, 4) the end of the FMLN military structure and legal reentry of its members into civil, political, and institutional life.

A. ROLE OF THE ARMED FORCES

- According to the amendments of the new constitution, the Salvadoran armed forces would provide security to protect the national sovereignty and the integrity of the national territory. A new Ministry of Public Security was created besides the Ministry of Defense. This ministry was to be the Ministry of Public Security that would take control over the new civilian Police force that was going to be created.⁵⁸
- A doctrine was implemented to accomplish the new role of the El Salvador armed forces (ESAF) according to the amendments of the constitution. Also, a board of academic studies was implemented at the military schools to supervise the education and training of the new generations of officers. The board was going to be composed of three well-known civilians and three military members. The board was widely accepted by the military and the civilians and they were to supervise the modification of the curriculum for the entire military school.⁵⁹
- The ESAF reduced the number of the military personnel by 50% from 60,000 to 30,000 members. The infantry reaction battalions (BIRI) which were created to fight against the insurgency were disbanded. All of the police organizations, including the national police, as well as the treasury police and national guard were disbanded.⁶⁰
- All agencies in charge of collecting, processing or disseminating strategic intelligence were moved under the control of the Executive Branch.

B. CREATION AND STRENGTHENING OF DEMOCRATIC INSTITUTIONS

- Creation of the National Academy of Public Security to train the new National civilian Police (PNC).
- Implementation of the National Board of Judicature independently of the state organs and political parties.⁶¹
- Creation of the National Council for the Defense of Human Rights.

⁵⁸ The Constitution of El Salvador, 1983. Chapter VII, Article 159.

⁵⁹ The military school is the only way to become an officer in the Salvadoran Armed Forces. All the services, Army, Navy and Air Force, send their cadets there for two years of common basic education. Later, these two years are complemented by another two years in their respective school services.

⁶⁰ The National Guard's functions were much the same as the Rural Police.

⁶¹ El Salvador has three independent branches: Judicial, Executive and Legislative.

- Amendments to the electoral system including the institution of the Supreme Electoral Court to ensure the clean realization of the electoral process.
- The strengthening of judicial power, which was inefficient and corrupted by amendments made to the Judicial system.

C. ECONOMIC AND SOCIAL MATTERS

- In this category the agrarian problem is of special relevance. Those aspects are related to the access, acquisition and legalization of occupied land, access to loans and technical assistance for small producers, and the definition of the beneficiaries.
- The creation of the general council for the defense of the consumer.
- Participation of workers in the ownership of future private enterprises.
- Strengthening of compensatory programs of the government.
- Implementation of a forum of economic and social cooperation with the government as well as managerial participation with laborers.

One of the most important aspects of this stage was the national reconstruction proposal made by the government of El Salvador after much consultation with the different sectors of national life. This included the ex-guerrilla members. This plan comprised a special program to facilitate the reentry of the ex-fighters and demobilized troops into society, as well as to give attention to the residents of the areas most affected by the armed conflict.

D. THE END OF THE FMLN MILITARY STRUCTURE AND THE LEGAL REENTRY OF ITS MEMBERS INTO THE CIVIL, POLITICAL AND INSTITUTIONAL LIFE OF THE COUNTRY

This section includes:

- The mechanisms for the concentration, identification and disarmament of former guerrillas.

- The legislative measures necessary to guarantee the ex-guerrilla members their legitimate reentry to civil life with a complete legal framework.
- The releases of all captives for political reasons as well as constitutional guarantees and security for those in exile or wounded.
- Finally, the legalization of the FMLN as a political party.

The most important achievement of the Peace Agreements was the recognition of the need for social, political and military changes that had to be carried out in El Salvador in order to move the country out of the civil war. Without hesitation, the role of the armed forces was the most complicated to fulfill among the topics related to the peace accords. The next chapter will address how the military reacted under this additional burden after the civil war, and also the final application and analysis of Alfred Stepan's prerogatives after the peace agreements.

IV. EI SALVADOR'S MILITARY PREROGATIVES AFTER THE PEACE AGREEMENTS

The preceding chapters have described recent Salvadoran history in civil-military relations and the nature of the peace agreements. This chapter will apply to El Salvador the "selected prerogatives of the military as an institution," posited by Alfred Stepan in his book, *Rethinking Military Politics: Brazil and the Southern Cone*.⁶² Also, this chapter will analyze the means by which the Salvadoran armed forces achieved a position of advantage over their civilian counterparts before and after the peace agreements, and how the government subsequently decided to take action in order to make changes in this imbalance. Stepan's prerogatives will be applied to the Salvadoran case study before and after the Peace Agreements.

When the Peace Agreements are analyzed, it is important to keep in mind what Bonnie Tenneriello, Geof Thale and Richard Millet state: that "the emphasis in the peace accords was on creating democratic structures, not on deep socioeconomic reforms."⁶³ The failure or success in creating democratic political institutions will lead to the failure or success in restoring civilian control over the military, and in moving El Salvador toward the consolidation of democracy.

The selected prerogatives used by Alfred Stepan are:

- Constitutionally sanctioned independent role of the military in the political system;

⁶² Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone*, New Jersey: Princeton University Press, 1988).

⁶³ Richard L. Millet, and Michael Gold-Biss, *Beyond Praetorianism: The Latin American Military in Transition*. (Miami: North-South Center Press, 1996), 185.

- Military relationship to the chief executive;
- Coordination of defense sector;
- Active-duty military participation in the Cabinet;
- Role of legislature;
- Role of the senior career civil servants or civilian political appointees;
- Role in intelligence;
- Role in police;
- Role in military promotions;
- Role in states enterprises; and
- Role in the legal system.

A. ANALYSIS OF THE PREROGATIVES

In the following section, Stepan's eleven prerogatives will be applied to the Salvadoran case.

1. The Constitutionally Sanctioned Independent Role of the Military in the Political System

Alfred Stepan's first prerogative has been abused extensively in the countries of Latin America. The military, using the respective country's legislature, frequently intervened in politics. The Constitution was the source and justification of the military intervention in politics. By law, the military was the moderator that often intervened to defend the constitution against any action which was a result of political infighting between political parties or factions. Therefore, in analyzing a case of military

intervention, it is important to consider the specific mission or missions of the military according to that country's constitution.

According to Samuel Huntington in *The Soldier and the State*, "the military science is an area in which specialized competence acquired by professional training and experience is necessary for decision and action."⁶⁴ With the professionalization of the Salvadoran military, which started in the 19th century, they realized that the influence of the military is in theory circumscribed to a very specific field and limited to the political arena. Therefore, involving the military in the political field is inappropriate. The action of "knocking on the garrison doors"⁶⁵ by civilians in Latin America, has been widely used by many oligarchies in Central America. The civilians often appealed to the constitution that the military was sworn to defend. Consequently, when something was going wrong in the country, ranging from economic deterioration to political repression, the civilians looked for military approval and support to remove the government and install a new one with different policies.

In El Salvador, the military participated in politics under the umbrella of the country's basic law, the constitution. There was a provision that the military was the "Guarantor of the Democracy."⁶⁶ Consequently, military participation in the political field was common until 1992, when through the peace agreements, amendments to the

⁶⁴ Samuel P. Huntington, *The Soldier and the State*. (Massachusetts: The Belknap Press of Harvard University, 1957), 71.

⁶⁵ This action of knocking on doors of garrisons is to ask the military to carry out, or to help a specific sector of society in executing a *coup d'état*.

⁶⁶ See the 1963 Salvadoran Constitution, Chapter VIII, Article 211.

constitution were made and the military no longer had a legitimate political role in the country.⁶⁷

2. Military Relationship with the Chief Executive

Very good relationships between the military and the chief executives was the rule until 1979, after which date it became a problem. Since 1963, in the Salvadoran Constitution, Article 157 states that the chief executive is the commander-in-chief of the military and exercises the privileges inherent therein. This exercise of authority by the executive over the military had not been a problem mainly due to the long tradition of military presidents from 1932 to 1979. However, problems of control over the military arose in 1982, when Dr. Alvaro Magana became the first civilian president, followed by José Napoleon Duarte (1984-1989), Alfredo Cristiani (1989-1995) and Armando Calderon Sol (1995-1999). All of them were elected in free elections certified by United Nations observers.

The military felt that receiving orders directly from civilians was not right because the civilians did not know or understand the military way of thinking. Therefore, despite the fact that according to the national Constitution the president was the Commander-in-Chief of the Salvadoran military, the top military officer, or the Minister of Defense, was actually in charge of the military.

⁶⁷ With the amendment of the constitution in article 211, the missions of the military were relegated strictly to the defense of the sovereignty and the integrity of the Salvadoran national territory. Salvadoran Constitution and amendments, 1992. *Constitución Política de El Salvador*, Capítulo VIII, artículo 211. Fundación para Estudios de la Aplicación del Derecho, San Salvador, El Salvador, cuarta edición, 1997.

Problems over the control of the military during El Salvador's civil war were always present. There were two reasons why the civilian-elected government did not exercise more control over the military: First, the *coup d'état* against General Romero in 1979 (which ended the authoritarian regime and started the movement toward installing a democracy in the country) was led by the military. The civilians joined the *coup* later to form the "*Juntas*." Therefore, the military perceived themselves as the leaders of the democratic movement rather than the followers, and were reluctant to give up this position. Second, the executive was excluded from civilian advice due to the absence of a civilian elite knowledgeable in military issues and capable of exercising effective oversight.

In this regard, it is important to realize that many civilians were not part of the government due to the fear of becoming a political target. Consequently, the military institution was prepared to carry out many different tasks. Those tasks were not only related to the planning and execution of the war, but also included many social and civic programs.⁶⁸ The lack of civilian advisors to the president was critical, and allowed the military to retain many prerogatives without opposition.

It is also important to mention that the military played an important role not just in the government. The military was the only sign of government or state authority in many isolated places in the countryside due to the lack of governmental offices. This resulted in close military ties with the civilian population.

With the fall of the Berlin wall in 1989, and the beginning of the end of the Cold War, the civil war in El Salvador reached a new phase. The conclusion of the conflict

⁶⁸ Civil-military programs were handled by the military in all fourteen provinces, until the program was canceled in 1992.

With the fall of the Berlin wall in 1989, and the beginning of the end of the Cold War, the civil war in El Salvador reached a new phase. The conclusion of the conflict between the United States and the Soviet Union also facilitated the transition of democracy in El Salvador, pushing the government and the FMLN to try to reach an agreement to end the civil war.

The Salvadoran transition from an authoritarian regime to a democratic regime started with the 1982 elections.⁶⁹ Since those elections, the prominent role of the military has declined and a normalization of civil-military relations has developed. Many civilians in this new phase are willing to participate in the peaceful process of strengthening democracy, making the president's job as the commander-in-chief of the armed forces easier.⁷⁰ The president of El Salvador is now leading the country from a more powerful position due to the presence of an effective civilian Cabinet and the assistance and advice of civilians knowledgeable about defense security-related issues. However, there are still some prerogatives that have to be moved away from the military. These will be explained later in this chapter.

3. Coordination of Defense Factor

During El Salvador's long legacy of military presidents between 1932 to 1979, another negative element was inherited. The top military position was not the chief of staff, but the Defense Minister. A senior military officer, rather than a civilian appointee,

⁶⁹ The first free and democratic election was held in 1982 to elect the constituent National Assembly. Since then, three civilian presidents representing opposition parties have bestowed the presidential sash to one another peacefully.

⁷⁰ Many are former students of the High Strategic Studies Course.

normally held this position. The job of supervising the military was viewed as a very dangerous task and one that created very powerful adversaries and did not boost one's political career. Therefore, few civilians in civil service wanted to be involved in defense-related issues. Instead, they handed that responsibility to military personnel. Twenty years later, the problem is more difficult than just selecting a civilian for Minister of Defense. There are few qualified appointees for staff positions.

The first step in the right direction was taken when a retired general was appointed as a civilian Minister of Defense in 1997. Retired General Jaime Guzman Morales, a former Minister of Defense, became the first civilian named to that office. This was a bold move made by the Calderon Sol government. It facilitates civilian oversight of the military because the actual Minister of Defense is considered part of the institution. It also prepares the institution for a full transition toward a civilian appointee in the future.⁷¹

However, it is important to avoid a situation in which the Ministry of Defense becomes a "little more than a clearing house for personnel management, logistical support, and basic services such as health care for military personnel."⁷² Instead, the ministry should be the liaison between the military institution and the civilian government, responsible for the policies to run that institution. Therefore, the real task of the new civilian Minister of Defense is to maintain his full duties and not to give up his real missions which are being both the president's advisor on national security issues, and

⁷¹ In El Salvador, there are now civilians interested in defense-related issues. Some are preparing themselves through different studies in and out of the country.

the link between the president and the military.⁷³ This will be something important to follow very closely.

4. Active Duty Military Participation in the Cabinet

Participation of Salvadoran active duty senior officers in government Cabinets was a common occurrence prior to the peace agreements. Besides the Minister of Defense, other positions normally taken by the military were the Ministers of Interior, Public Health, and Agriculture. It was not until the signing of the Peace Agreements that a full transition of civilians into the cabinet and key public offices was accomplished. It is important to mention that the participation of the military in the National Security Council (NSC) is also limited.⁷⁴ The NSC is comprised of the President, the Vice-President, and the ministers of Presidency, Interior, Defense and two top national security advisors. The role of the NSC will be important in replacing the hegemony of the military over defense policies. With the implementation of the Salvadoran NSC, the president has civilian advisors in national defense and national security policy making which were posts traditionally only given to the military. In October 1998, there were no active-duty officer participating in the Salvadoran cabinet. Instead, an emerging new generation of civilian servants has replaced that previous military hegemony, and is providing necessary civilian advice to the president. This is an important step in civilian control of the military.

⁷² Larry Diamond and Plattner, *Civil-Military Relations and Democracy*, (Baltimore and London: The John Hopkins University Press, 1996), 58.

⁷³ Salvadoran Armed Forces Organic Law, Chapter II, Article 31. Executive decree Number 152, San Salvador, El Salvador, 1997.

⁷⁴ The National Security Council of El Salvador was created in September 2, 1992 by executive decree No.65 during the Alfredo Cristiani government.

5. Role of the Legislature

The Salvadoran legislature has no tradition of being involved in defense matters. During the civil war, the main source of acquisition and development of military equipment was through military aid from the United States rather than from the budget passed by the National Assembly. The military aid was controlled directly by the military without any civilian supervision. Table 5 shows the level of direct US assistance to El Salvador.

While US military assistance was increasing during the 1980's, the military budget as a percentage of the national budget did not increase and remained constant⁷⁵. However, with the end of the war, US military aid was severely reduced. Only a small budget for the IMET program is currently available.⁷⁶ Thus, the military is now dependent on the budget approved by the National Assembly.⁷⁷

⁷⁵ Salvadoran Budget, 1980-1990..Dirección General de Estadística y Censos. Gobierno de El Salvador. San Salvador, El Salvador, 1990.

⁷⁶ The IMET or International Military Education and Training Program is currently under less than half a million dollars and is used only for education or training of military or civilians working in the armed forces of El Salvador.

⁷⁷ Even though the military's social security fund (IPSFA) is one of the most powerful economic and social institutions with approximately \$100 million dollars. This money belongs to the affiliates individually, according to the contributions or shares they own.

Year	IMET*	LOANS	FINANCING	TOTAL
1980	0.2	5.7	----	5.9
1981	0.5	10.0	25.0	35.5
1982	2.0	16.5	63.5	82.0
1983	1.3	46.5	33.5	81.3
1984	1.3	18.5	176.8	196.6
1985	1.5	10.5	124.8	136.3
1986	1.4	----	120.4	121.8
1987	1.5	----	110.4	111.5
1988	1.5	----	80.8	81.5
1989	1.4	----	79.9	81.3
1990	1.4	----	79.6	81.0

*IMET: International Military Education and Training.

Table 5. Direct US Assistance to El Salvador, 1980-1990 (in US \$ millions)

Sources: Agency for International Development, *"US Overseas Loans, Grants and Assistance from International Organizations, 1980-1990"*; Library of Congress, Congressional Research Service, *"El Salvador Under Cristiani: US Foreign Assistance Decisions"* (Washington, D.C. July 1993).

Another important problem to overcome is that the military very seldom, if ever, provided the legislature with information about military expenditures, plans or the execution of military operations. The military considered this classified national security information. Therefore, only a few people knew exactly what the military was doing, and what resources were available to them.

After the Peace Agreement, many changes occurred in the legislature. New rounds of elections for congress were held, facilitating the participation of many political groups, including the FMLN. This made possible the involvement of representatives of new political coalitions in the National Assembly. Also, the number of seats was increased from 64 to 80 in order to allow the participation of small political parties.⁷⁸

⁷⁸The Salvadoran electoral system allows minority parties to participate in the National Assembly if they receive the majority of the residual votes after the final computation.

This pluralistic political involvement was important to ensure the reorganization of all the committees in the National Assembly, including the Defense and Appropriations committee. The participation of many political parties in the National Assembly's Committees allowed them to play a role in approving or disapproving the military budget. Therefore, the military was required to lobby in order to gain resources. This work of the military with the congress included periodic working sessions with the various committees in order to explain the military's needs. In addition, the military used various activities to educate the Legislative committee in order to obtain approval of the military budget.

This change in the National Assembly reflected the changes in the appropriations of the military budget. The national budget has increased from approximately \$771 million in 1992 to \$1.9 billion in 1998. However, the military budget of \$99 million has not increased during the same time period of seven years. This lack of growth in the budget represents a reduction of \$57 million in real terms, due to annual inflation.⁷⁹ The 1998 military budget is worth only \$42 million in constant 1992 dollars.⁸⁰ The reduction in the military budget suggests that the prerogatives of the Salvadoran military related with the role of the legislature have been decreasing steadily and moving toward complete oversight by the civilian government.

⁷⁹ According to the National Central Bank the inflation rate in El Salvador is approximately 10 to 12 percent per year.

⁸⁰ Situación del Presupuesto de la Defensa Nacional. Ministerio de la Defensa Nacional, San Salvador, El Salvador, 1998.

6. Role of the Senior Career Civil Servants or Civilian Political Appointees

Anyone who seeks to play a role in assisting the executive branch in designing and implementing defense and national security policies must know that national defense involves observing, preventing or neutralizing the possible or potential security threats to the state, and analyzing them as accurately as possible. To do so, it is necessary to analyze the country's and neighboring countries' capabilities. Generally speaking, national defense includes "all the resources and activities that a state adopts in peacetime and during war in order to face a conflict."⁸¹ These include political, diplomatic, economic, social and military resources. As the definition states, military resources are just one of the many aspects considered for the planning and execution of measures that have to be taken to ensure the nation's survival.

In El Salvador, as in many countries of the region, the military has traditionally been the only player interested in performing this task of looking out for the nation's defense. It was not until recently that civilians discovered the importance of their role in national defense and that they were the leaders in this political game.

In order to fill the gap of few civilians with knowledge about defense and security, in 1993, under the presidency of Alfredo Cristiani, a preparation course was created for civilians and military personnel who wanted to learn more about those aspects. The Course of High Strategic Studies was designed to prepare senior civil

⁸¹ Translation by the author. The Salvadoran National Defense concept is taught at the Command and General Staff College using the National Defense Book, published by *Escuela de Comando y Estado Mayor* 1994.

servants, from the public or private sector to analyze and interpret the political, economic, social and military aspects of the Salvadoran society in order to assist and advise the government in the national security and development of the country and to strengthen the civil-military relations.⁸²

The success of the course was modest, but it sparked the interest of democratic institutions, organizations and political parties. Therefore, the government decided to modernize and expand the course, and three years later, by executive decree No. 110, dated November 8, 1996, a college was created to take over the responsibilities of the course. The College of High Strategic Studies, includes an Advisory Group, an Administrative Department, and an Academic Department. Since its creation in 1993, 191 students in six different classes have completed the course.⁸³ Table 6 provides information on the student body in this College.

No.	SPONSOR	TOTAL
1	Public and Private Universities	29
2	Private Enterprise	18
3	Government	45
4	Armed Forces	47
5	NGOs*	32
6	Political Parties	5
7	Independent Students	5
	TOTAL	191

*NGO's: Non Governmental Organizations.

Table 6. Students Graduated in El Salvador's High Strategic Studies Course, 1993-1997.

Source: School of Strategic Studies. San Salvador, El Salvador, 1998.

⁸² This definition is the author's translation of the course of national strategic studies mission taken from the creation of the High Strategic Studies, decree number 110, issued in San Salvador, on November 8, 1996.

⁸³ The seventh course was finished in August 1998. There were 20 civilians and 8 senior military officers attending classes.

To summarize, civilians must exercise oversight over the military, but achieving military subordination to civilian authority is difficult due to the absence of a civilian elite knowledgeable about defense matters. In El Salvador, just recently with the creation of the High Strategic Studies, some civilians started receiving education in national defense and military-related matters. It will take some time before these graduates acquire some experience and start filling the vacancies in governmental and ministerial positions. The outlook for the mid- and long-run are good for achieving necessary supervision over the military.

7. Role in Intelligence

During the civil war, the civilian government lacked a strategic intelligence organization. The only strategic intelligence organization was controlled by the military. This military intelligence apparatus, known as National Defense Directorate (*Departamento Nacional de Inteligencia*, DNI) was under the Minister of Defense's control. The DNI's mission was to gather, analyze and divulge information for the strategic level. However, due to the lack of resources and bad coordination with the operational and tactical intelligence information sections, which were under the C-II (Intelligence of the General Staff), the DNI was also collecting and processing data for the operational and the tactical level. This was a duplication of effort, but no one did anything to correct the problem during the war.⁸⁴

⁸⁴ It is the author's belief that this duplication of effort was done with the intention of double checking the intelligence reports, since one agency was under the Chief of Staff and the other under the Office of the Minister of Defense.

Under the Peace Agreement, the civilian government took control of the intelligence organizations and created a new State Intelligence Agency (Organismo de Inteligencia del Estado, OIE). By June 15, 1992, the dissolution of the DNI was carried out. The OIE conducted an evaluation of the personnel working at the former DNI, and offered employment to those interested. The majority of the personnel who passed the selection process accepted the offer and started working for the OIE.

However, not all the files collected by the DNI during the war were handed over to the new intelligence agency. As Philip J. Williams and Knut Walter noted, "The military refusal to turn over these files raised doubts about its sincerity in removing itself from the intelligence functions."⁸⁵ The final consideration in this aspect is that the only school for intelligence training is under military control and all personnel, civilians and military who are interested in intelligence must attend this school.⁸⁶

In this process of achieving control over the military, the Salvadoran military completed the transition of giving up the control over the strategic intelligence agencies. However, it retained the capability to perform strategic intelligence gathering without civilian supervision. Therefore, the civilian control over this issue has not been completed yet.

⁸⁵ Philip J. Williams and Walter Knut, *Militarization and Demilitarization in El Salvador's Transition to Democracy*, (Pennsylvania: University of Pittsburgh Press, 1997), 162.

⁸⁶ *The National School of Intelligence (Escuela Nacional de Inteligencia, ESNACIN)* is currently under the C-II of the general staff of the Salvadoran armed forces. The school offers basic and advanced intelligence courses at level II and level III for civilians and international students.

8. Role of Police

The peace agreement called for the separation of the police from the army and the creation of a new civilian police academy (*Academia Nacional de Seguridad Pública*, ANSP). Before the civil war, the national police was under the Ministry of Defense and Public Security. The chief of police was the Vice-Minister of Defense and Public Security. Also, active-duty army officers were in charge of numerous departments inside the national police structure and in the police academy as well. Therefore, national police reform was taken very seriously during the negotiations. The FMLN wanted to protect and guarantee the safety of the guerrilla members who were to be demobilized, and to improve human rights for the civilian population.

A deadlock was broken when the FMLN agreed not to share power in the army by incorporating former combatants in the army ranks. Consequently, having a professional and apolitical civilian police was important for the future of El Salvador. Abandoning the demands of getting integrated in the army, the FMLN pushed for direct participation in the new National Civilian Police (PNC). The pact agreed to by the military and the FMLN was that the structure of the PNC was to be composed of members of the FMLN (20 percent), former National Police (20 percent) and civilians (60 percent). This was the original composition of the new force.⁸⁷ However, the army was not ready to give up its position without a fight. In 1992, the army demanded that members of the Treasury Police and National Guard, both in control of the military, be included in the PNC.

⁸⁷ Since 1994, when the deployment of the PNC started, there have been many changes to the original composition of the police. Many police have retired voluntarily, while others have been removed for different public demonstrations of misconduct in their police duties.

ONUSAL intervened and prevented a violation of the accords by not allowing the military to do this, but it created tension and distrust between both parties.

Despite all the problems, on June 25, 1992, the Legislative Assembly established the new civilian police force and its training academy. By 1994, with the deployment of 5,940 officers across the country, the transition from the old National Police to the PNC was completed.⁸⁸ The military police organizations, treasury police, and the national guards were dissolved, although some members were incorporated in Military Police units. The most significant change in bringing the police into an autonomous condition was carried out when the budget for the PNC was increased. Since 1995 the PNC has received a higher budget than the military.⁸⁹

For many observers the transition is far from complete. There is a precarious balance between the role of the military and the role of the police. Due to growing violence in the country, the government has resolved to use the military in the country's rural areas in order to help the police maintain order.⁹⁰ Since 1993, and under presidential orders, the Minister of Defense deploys approximately 1,500 soldiers to help the police conduct operations in the rural areas. The units are organized in small patrols of ten men, two police officers and eight soldiers, to help provide security and logistical support. To monitor the actions and movements of the task force organization, a joint operations

⁸⁸ During the transition period between 1992-1994, the national police operated under the presidency and were supervised by the police division of ONUSAL.

⁸⁹ In 1995, the Public Security budget increased 180 percent and since then has been growing steadily. Public Security now has the third highest budget, just below Education and Health.

⁹⁰ According to the Constitution, article 212, the executive in case of national emergency may call the military to help the police perform police duties. This executive decision must be approved by the legislative branch of the government.

center was established in the different counties with the representation of police and military personnel. Final authority was given to the police and, army soldiers were given a supporting role. This army role has been widely criticized by civilians and army officers who perceived this action as a step backwards, preventing the police from taking full responsibility for internal security.

9. Role in Military Promotions

The military in many countries has exercised control over the education and promotion of the officer corps, thus preventing the civilian government from controlling their institution. In El Salvador the problems of getting control over military promotions were in two different areas. The first was the selection of the appointees for Chief of the Services, and the second was the promotion of the officer corps. The problem with the designation of the chief for the different services, army, navy, air force and the chief of staff was that the executive did not directly designate the appointees by name, but selected a name from a list provided to him by the Board of Rank and Promotions.⁹¹

This process requires that a Board of Rank Promotion presents the candidates to the executive and he chooses from the ones presented to him. If the president does not select any candidate from the list presented to him, a new list is presented until he selects a candidate. The reasoning for this process, according to the military, is to avoid the appointments of candidates lacking the necessary credentials for that office, based on military regulations.⁹² For military rank promotion, the same process is followed. The

⁹¹ The Board of Rank and Promotion is composed only of military personnel designated by the Minister of Defense and the Chief of Staff.

⁹² Interview by the author with a senior officer in the Salvadoran Armed Forces.

Board of Promotion selects the candidate and the chief executive approves or disapproves the candidates. The president may only choose from a list certified by the Promotion Board and may not choose the candidates for promotion directly.⁹³

This process is problematic because the Board may only consider candidates from a specific class for promotion. As a result, there is not much incentive for an officer to excel in work, since there is no fast track for the better-qualified candidates to receive a command post. Also, when a promotion is given as a class, the loyalty to the group is stronger than the loyalty to the institution. Therefore, having a mixture of officers in every promotion facilitates civilian control because the cohesiveness of a group is broken and it is replaced by loyalty to the proper civilian authorities.

10. Role in State Enterprises

The role of the military in state enterprises was an important consideration for governments prior to the *coup d'état* of 1979. During those administrations, many key public institutions that the military saw as essential to ensure the state's survival were in their control. Such was the case in the national water works (*Administración Nacional de Acueductos y Alcantarillados*, ANDA), the state industrial development corporation (*Instituto Salvadoreño de Fomento Industrial*, INSAFI), the national administration of telecommunications (*Administración Nacional de Telecomunicaciones*, ANTEL), sea and ports executive commission (*Comisión Ejecutiva Portuaria Autònoma*, CEPA), the hydroelectric executive commission (*Comisión Ejecutiva del Río Lempa*, CEL), the

⁹³ In order to select the candidates for promotion, the Board follows the law for military promotions which has been modified since the peace agreements, signed by the chief executive, and ratified by the Assembly.

ground transportation commission (*Dirección General de Transporte Terrestre*), the census and statistics commission (*Dirección General de Estadística y Censos*), customs (*Dirección General de Aduanas Terrestres*), civil aeronautics (*Dirección General de Aeronautica*), the postal service (*Dirección General de Correos*) and the Salvadoran Institute for Agrarian Reform (*Instituto Salvadoreño de Transformación Agraria*, ISTA).

Since the military coup of 1979, some progress was made in reducing military control over the state enterprises. During the three civil-military juntas, civilians replaced military officers in the bulk of the Cabinet positions, including the Minister of Interior, Agriculture and many of the public services offices. As Williams Philip and Knut Walter noted, “during the Magana (1982-1984) and Duarte (1984-1989) governments, there was a more concerted effort to appoint civilians to replace military officers in important public positions, but the results were mixed.”⁹⁴ Throughout the years, the positions in all key public institutions listed above were handed over to civilian appointees.

Almost the same path of replacements was followed in order to reduce the participation of active duty-officers in the Cabinet. Civilians during and after civilian presidential periods gradually replaced the military. This transition was consolidated with the Peace Agreement when civilians were designated to fill all Cabinet positions and key public offices.

⁹⁴ Philip J. Williams and Walter Knut, *Militarization and Demilitarization in El Salvador*, (Pennsylvania: University of Pittsburgh Press, 1997).

11. Role in the Legal System

The judicial branch is headed by the Supreme Court of Justice. The number of magistrates is not stipulated in the Constitution, but is determined by statutes. Magistrates were appointed by the Legislative Assembly with simple majority votes to five-year terms.⁹⁵ This specific situation led to the basic problems with the legal system in El Salvador.

The legal system was one of the most inefficient organizations in El Salvador, because it was highly politicized. For many years, the Magistrate positions in the Salvadoran judicial branch were political appointees, and were not necessarily prepared to work efficiently inside the system. A law degree was not required in order to be nominated as a magistrate. This flawed system allowed political, economic, social or military groups to avoid punishment when abuses were perpetrated by anyone who knew the right people in the right place.

Many crimes against society were perpetrated by the military, especially during the civil war, and no one did anything to stop them. Heavy influence over political appointees allowed the perpetrators to escape with impunity and without the fear of being captured and judged by the law. There has never been a Salvadoran military person judged for a human rights violation. Even though by the terms of the Peace Agreements, an Ad Hoc Commission was established to conduct an evaluation and make recommendations to the Salvadoran president and to the UN secretary general about the

⁹⁵ Until the 1992 congressional elections, the party that controlled the executive branch, normally also controlled the legislature with a simple majority.

human rights abuses during the civil war, a general amnesty was approved by the National Assembly.⁹⁶

Although all the officers involved in the Report of the Ad Hoc Commission were removed from the military, including the minister and vice-minister of defense, the amnesty was attacked by the political opposition as a violation of the Peace Agreements. However, as Tricia Juhn notes, "its enactment nonetheless allowed democratic gains to be made in other ways."⁹⁷

However, since the mid-1980's, many changes in the Salvadoran legal system have taken place. Now, the magistrates must be appointed by two thirds of the National Assembly rather than a simple majority. The applications are scrutinized and the profiles of the candidates analyzed very carefully by a committee, which recommends their approval. Therefore, this process avoids political appointees or people with unethical behavior, and allows the system to work properly.

12. Analysis of the Findings

The findings are divided into three categories of prerogatives: low, moderate and high. This classification of three different categories follows Stepan's application of the prerogatives.

A low prerogative is *de jure* and de facto effective control exercised by civilians over the military. A moderate prerogative exists in cases where the military has *de jure* been denied a prerogative, but the new democratic government, due to active or passive noncompliance by the military, does not effectively exercise this prerogative. A high prerogative is defined as

⁹⁶ The commission's report called for the removal of 102 officers, including the minister and vice-minister of defense, most generals, and many of the colonels.

⁹⁷ Richard L. Millet, and Michael Gold-Biss, *Beyond Praetorianism. The Latin America in Transition*. (Miami: North-South Center Press, University of Miami, 1995), 214.

the military retaining and exercising a high degree of autonomy and control over the government.⁹⁸

The findings of the different prerogatives are related to the categories in Table 6, Chapter II that were already established before the Peace Agreement of 1992, and applied in Table 7 until 1997.

After the applications of Alfred Stepan's eleven prerogatives, it is evident that concrete progress has been achieved in placing the military under civilian control in El Salvador. However, there are some areas that need some improvements. Chapter V will present conclusions and recommendations that need to be followed in order to consolidated the process of democratizing this country.

⁹⁸ Stepan, *Rethinking Military Politics*, 97.

<i>Prerogative</i>	<i>Low</i>	<i>Moderate</i>	<i>High</i>
1. Constitutionally sanctioned independent role of the military in the political system	1. None. Chapter II art. 159 of the new Salvadoran Constitution mandates that National Defense and Public Security must belong to two different ministries		
2. Military relationship to the Chief Executive		2. Chapter II article 157 of the new Salvadoran Constitution establishes the President as the Commander in Chief of the ESAF. There has been no case in which the President has fired a general.	
3. Coordination of Defense Sector		3. Recently retired general became Minister of Defense. Few civilians in staff positions in that Ministry	
4. Active Duty Military participation in the Cabinet	4. Absence of active duty military participation in the cabinet		
5. Role of Legislature		5. Most major policy issues related to the Defense or Military budget must be approved by the National Assembly special Committee. Few senior civilian officials with defense knowledge.	
6. Role of Senior Career Servants or Civilian political appointees		6. There are still few senior civilian politicians with knowledge about National Security and Defense	
7. Role of the Intelligence		7. The Strategic Intelligence Organization was given up to the Executive Office. However, the military retain some strategic intelligence capabilities under their control	
8. Role of the Police		8. New Civilian Police were created and placed under civilian control. A new Public Security Ministry was created. The military helps the Police in internal security of the country in rural areas.	
9. Role of Military Promotions			9. The executive and legislative branches have no control over military promotions
10. Role in State Enterprises	10. Key public or private enterprises are controlled by civilians.		
11. Role in the Legal System		11. Have almost no legal jurisdiction outside the military	

Table 7. Selected Prerogatives of the Salvadoran Military as an Institution in a Democratic Regime after the Peace Agreements in 1992.

Source: Based on Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone*.

V. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

Table 7 indicates the improvements elected civilian authorities have been made in achieving control over the military. Out of the eleven prerogatives, nine have been reduced since the peace agreements. Out of the nine prerogatives that displayed improvement, three of them moved from high to low, taking a big step toward civilian control over the military. These were:

- Constitutionally sanctioned independent role of the military in the political system
- Active duty military participation in the cabinet
- Key public or private enterprises are controlled by civilians.

Six prerogatives presented a modest change from the high to the moderate category. These were:

- Coordination of defense sector
- Role of legislature
- Role of senior career servants or civilian political appointees
- Role in intelligence
- Role in the police
- Role in the legal system.

Finally, one prerogative related to the relations with the chief executive remains in the moderate category, mostly due to the passive presidential compliance for avoiding a direct confrontation with the military and trying to keep the status quo with the military.

Finally, one prerogative stayed in the high category. This prerogative is related to military promotions, despite modifications in military law which refers to military ranks and promotion. The military retains a high prerogative in selecting who and when senior colonels are promoted to the rank of general.

From the analysis above, it can be argued that the Salvadoran civilian government has achieved a significant level of control over the military in the last seven years.

However, it is the author's opinion that despite extensive application of Alfred Stepan's prerogatives in many other countries, such as in South America or in Europe, this model needs some refining. Stepan does not weigh the significance of the prerogatives. In many cases, some prerogatives are more important than others in order to show that civilian control over the military has been attained. In the Salvadoran case, five prerogatives are most important in order to achieve civilian control. These prerogatives are:

- Constitutionally sanctioned independent role of the military in the political system
- Active duty military participation in the cabinet
- Role of the legislature
- Role in the police
- Role in the legal system

Two of them, the constitutionally sanctioned independent role of the military and active-duty military participation in the cabinet, are already under civilian control. With respect to the role of the legislature, it is a matter of time until more civilians get involved in national defense and security policies, and consequently, get full control over this

prerogative. Second, the role in the police varies. As long as the military carries out police activities, even though it is not their job, this prerogative will stay in the moderate category, because the military is not looking forward to handing over control. Finally, there is the role of the legal system. Will this be a task in which the Salvadoran judicial system has to test its endurance? Since the peace agreements, there have been many cases in which military personnel have been involved in civilian crimes, and in every case, those involved have been tried under the civilian legal system.⁹⁹ The only remaining question will be, in the case of a violation of human rights, will the military be willing to cooperate in the same way as in the previous cases? Only time will answer that question.

With respect to the prerogative retained by the Salvadoran military regarding military promotions, according to Alfred Stepan's definition, the prerogative is high in the Salvadoran military because it controls military promotions in terms of who gets appointed and when. Although it is a fact that it is necessary to have the president's approval and the ratification by the National Assembly in order to be promoted, only the ones on the list provided by the Board of Promotion will be considered.

In order to assess the level of civilian control of the military, one must realize that the civilian government is able to name the Minister of Defense, control the military budget, keep the military independent and out of politics, and refuse all cabinet positions to active-duty military personnel. In addition, the president is the commander in chief of

⁹⁹ There have been many military officers punished for civilian crimes. In the case of a conviction by a jury, the officer is dishonorably discharged and sent to a civilian prison to fulfill his/her term.

the military. The fact that the military retains the prerogative for selecting the future leaders of the Salvadoran armed forces does not substantially change the control and oversight over the military by the civilian authorities. Furthermore, the senior military are going to refrain from getting involved with politicians in order to get a chance at a promotion.

B. RECOMMENDATIONS

There are some prerogatives that have to be taken away from the Salvadoran military in order to achieve civilian control over that military, and therefore, complete the Salvadoran transition to a democratic regime. First, the civilian Minister of Defense should increase control over the military, keep the actual jurisdiction over the policies related to military conduct, and act as a presidential advisor for national security. This is key to ensuring the control over the military by the civilian authorities.

Second, the Peace Accords did not provide specific guidance over how the legislature should enhance oversight over the military. There needs to be greater coordination within the defense sector. Doing so will make it easier to clearly define the defense policy that must be established with the advice of civilian experts. However, there are still few civilians with experience and knowledge about defense or national security and few staff-level civilians capable of or interested in filling those positions.

The same situation applies to staff level positions at the National Assembly. Those positions need to be filled by people with experience or knowledge in national defense or national security. This problem in the short-term cannot be solved. It will take some time before there are more people informed about national defense and

national security issues. The School of High Strategic Studies (CAEE) is working toward that goal, but it will take time before the number of graduates increase.

Also, the National Assembly needs to control the military budget and acquisition of new technology and weapons. A working plan should be developed jointly by the National Assembly and the Ministry of Defense.¹⁰⁰ Periodic meetings should be held among cabinet officials, Congressmen and their staff, and senior military members working together to solve defense issues.

Third, the military continues to have great control and autonomy over intelligence-related aspects. Though it is very sensitive, the strategic intelligence must be in the hands of civilian experts whose training must be done in their own schools.

Fourth, the military must stop doing police work. This interference prevents the police from taking full control and responsibility for their duties. Furthermore, the military is not well prepared to deal with police procedures. On the one hand, soldiers are spending too much time performing police activities for which they are not trained. On the other, soldiers do not receive proper military instruction and training because of the time they spend helping the police.

Finally, officer corps promotions must be reformed. Military law must be reviewed, including the promotion system in the armed forces. This is probably the most difficult change to make. Many officers try to avoid civilian interference in this area, until now considered as an area of exclusive military jurisdiction. It is believed by the military that if the law for military promotion is changed, only officers with political

¹⁰⁰ Until 1997, the working plan between the minister of defense and the National Assembly was prepared by the military, with little input from the National Assembly's committees.

contacts will be promoted. This would presumably create conflict due to the national constitution statement that the military should be apolitical.

El Salvador is a country where changes are still occurring. Therefore, let the Salvadorans find their own way to solve their problems. They have already shown the world what a country with a determination can do by maintaining the delicate balance between peace and war where the social economic problems which created the war remain unsolved.

The only light at the end of the tunnel is the hope, that with the consolidation of the democratic process and the complete subordination of the Salvadoran armed forces to the civilian elected officials, multi national corporations start investing in this country, providing the economic support to the elusive economic recovery.

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